



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 6, 1998

Lawrence Herman  
3501 Village B1 #101  
West Palm Beach, Florida 33409-7422

RE: MUR 4646

Dear Mr. Herman:

On June 24, 1997, the Federal Election Commission notified you of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to you at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on April 29, 1998, found that there is reason to believe you violated 2 U.S.C. § 441f, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

Mr. Lawrence Herman

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If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Michael Lehmann, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

*Joan D. Aikens*

Joan D. Aikens  
Chairman

Enclosure

Factual and Legal Analysis  
Designation of Counsel form

**FEDERAL ELECTION COMMISSION**  
**FACTUAL AND LEGAL ANALYSIS**

RESPONDENT:       Lawrence Herman

MUR: 4646

This matter was generated by a complaint filed with the Federal Election Commission by Scott Lewis and Carol Lewis. See 2 U.S.C. § 437g(a)(1).

The Federal Election Campaign Act of 1971, as amended, prohibits persons from allowing their names to be used to effect a contribution in the name of another. 2 U.S.C. § 441f.

The complaint consists of a letter from Scott Lewis, with affidavits from both Scott and Carol Lewis attached. In Carol Lewis' affidavit, she states as follows:

Amy Robin Habie of Boca Raton, Florida asked me to make a \$1,000 political contribution to the campaign of U.S. Representative Jane Harmon [sp] (D., Calif.) on behalf of her friend, attorney David Boies of the Cravath, Swaine & Moore law firm in New York City. Ms. Habie have [sp] me a \$1,000 check drawn on her personal account in exchange for my \$1,000.00 check to Rep. Jane Harmon's [sp] campaign. . . . She said that Senator Kennedy also received such donations . . .

In Scott Lewis' affidavit, he indicates that, on June 2, 1997, he contacted Representative Harman's California office and spoke with a member of her staff about his wife's contribution. At his request, the staff member read to him the names of the other Florida contributors who gave \$1,000 to Friends of Jane Harman (hereinafter "Harman"). In addition to Habie, Lewis recognized the names of Habie's secretary (Wallace Walker), her mother (Rhea Weil) and her mother's husband (Lawrence Herman). At the time of her contribution, Carol Lewis was Habie's bookkeeper.

Habie, her secretary, her mother and her mother's husband each contributed \$1,000 to Harman and Kennedy for Senate 2000 (hereinafter "Kennedy"). All of the contributions to Harman at issue in the present case were reportedly received on May 23, 1996, apparently during a trip to California by Habie. Habie and Walker's contributions to Kennedy were both accepted on March 13, 1996. According to the public record, the alleged straw donors (Lewis, Walker, Herman, and Weil) -- who made \$1,000 contributions to candidates in distant states (California and Massachusetts) -- have made no other contributions to candidates for Federal office.

In responding to the complaint, Herman has failed to deny the allegation that he allowed his name to be used to make contributions in the name of another. Rather, his response indicates that Habie asked him and his wife to contribute to Harman, and that "we didn't believe at the time that we did anything wrong, and we don't believe now that we've done anything wrong." The response does not address whether Habie reimbursed Herman for his contribution to Harman, nor does it address Herman's contribution to Kennedy. An affidavit from Habie that has been submitted to the Commission seems to contain an implicit admission that she arranged for others to contribute her money to Harman in their names.

Given (1) Lewis' affidavit indicating that Habie asked her to make a contribution and reimbursed her for doing so; (2) the circumstances (e.g., the timing) surrounding the contributions of Habie's secretary, her mother and her mother's husband to a candidate for Congress in California and a candidate for Senate in Massachusetts; (3) Habie's implicit admission, in her affidavit, that she made excessive contributions; and (4) the absence of evidence contradicting the substance of Lewis' allegations; there is reason to believe that Lawrence Herman may have violated the Act. Specifically, there is reason to believe that Herman may have violated 2 U.S.C. § 441f (allowing his name to be used to make contributions

in the name of another) in that Habie reimbursed him for his contributions to Harman and Kennedy or otherwise provided the funds Herman used to contribute to Harman and Kennedy.